

REMARKS

The present amendment is responsive to the Office Action mailed August 26, 2004. At the outset, the Applicant's representative wishes to thank Examiners Gilligan and Thomas for their courtesy and helpful suggestions during the telephone interview of Tuesday, November 22, 2004. During the interview, it was agreed that Applicant would amend independent claim 1 to recite further steps carried out by the bank that are not taught or suggested by the applied reference. Regarding claim 7, the Examiners suggested that the phrase "mailing address" be used instead of the recited "delivery address", but indicated that the amended claim otherwise distinguishes over the Stolfo reference. Lastly, it was suggested that independent claim 13 be amended to include a package preparing step that recites that the prepared package bears no delivery information.

As the Office will note, claims 1 and 13 have been amended as suggested during the telephone interview. As for substituting "mailing address" for the recited "delivery address" phrase, the Examiner is urged to consider the definition of "delivery address" explicitly set out in the specification:

DELIVERY ADDRESS: A location to which the package is to be delivered. The delivery address may be a physical location to which a physical package may be delivered or may be an electronic address over a computer network such as the Internet." (Page 9, DEFINITIONS)

It is now black letter law that Applicant can be his or her own lexicographer (citations omitted) and that the claims are to be interpreted in light of the specification. In the present case, Applicant has specifically and broadly defined the phrase "delivery address" as "A location to which the package is to be delivered". This definition includes in its scope the mailing address, the delivery address or the destination address. If the package is shipped to a location, that location may be thought of as the delivery address of the package.

Turning now to the issues raised in the outstanding Office Action, claims 1-4, 7-10, 6-16 and 27 were rejected as being anticipated by Stolfo et al. Reconsideration and withdrawal of these rejections are respectfully requested.

Claim 1 and its dependent claims

Independent claim 1, as amended, recites:

if the customer is authenticated and bank-imposed restrictions are met,
generating the requested package code, the package code being devoid of delivery address information;
sending the generated package code to the vendor, wherein the bank does not send any delivery address information for the package to the vendor;
and
generating a shipping identifier for the package that matches the generated package code and retrieving the stored address associated with the customer's account, and
sending the generated shipping identifier and the retrieved address associated with the customer's account at the bank to the shipper to enable the shipper, after picking up the package for shipment from the vendor, to match the package code sent to the vendor with the shipping identifier, to identify the associated address as the delivery address of the package, and to ship the package directly from the vendor to the delivery address without divulging any delivery address for the package to the vendor.

According to the claimed embodiment, the bank sends the package code to the vendor, the sent package code being devoid of delivery information. As claimed, the bank does not send any delivery address information for the package to the vendor. As also claimed, the bank carries out a step of generating a shipping identifier and a step of retrieving the stored address associated with the customer's account. The generated shipping identifier and the retrieved address are then recited as being sent to the shipper. The generated shipping identifier is also claimed to match the generated package code. This enables the shipper to match the package code on the package to the shipping identifier sent by the bank and to deliver the package directly from the vendor to the delivery address without divulging any delivery address to the vendor.

In direct contrast, Stolfo discloses a method in which the vendor is provided with a delivery address, which is the physical address of the shipping depot:

The retailer then ships the good in step 14 to the proxy system operator's shipping depot address A with labelling containing... Page 17, paragraph [1093]

In Stolfo, therefore, the retailer is provided with a delivery address – even though the delivery address is that of the shipping depot (an intermediate location from which the package will be again shipped or picked up by the customer). The claimed invention, however, requires that the vendor not be given any delivery information by the bank – not even that of a shipping depot. It should be noted that the entire scheme disclosed by Stolfo relies upon shipping goods to an intermediate location (the shipping depot) and then trans-shipping the goods to the ultimate delivery address or requiring the customer to pick up the goods at the shipping depot (see paragraph [0194]).

In contrast, the claimed invention requires that the bank

- generate the requested package code, the package code being devoid of delivery address information;
- send the generated package code to the vendor, wherein the bank does not send any delivery address information for the package to the vendor; and
- generate a shipping identifier for the package that matches the generated package code and retrieve the stored address associated with the customer's account, and
- send the generated shipping identifier and the retrieved address associated with the customer's account at the bank to the shipper. None of these steps are taught or suggested by the Stolfo reference, which advocates that the package be shipped to a delivery address that is known to the vendor (the shipping depot).

It is, therefore, believed that the 35 USC §102(e) rejection of claim 1 and of its dependent claims has been overcome. Reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 7 and its dependent claims

As amended, claim 7 recites:

A method for a shipper to process a package identified by a package code devoid of delivery address information, the package containing goods purchased by a customer from a vendor for shipment to an address unknown to the vendor, the shipper carrying out the steps of:

receiving a request to pick up a package from the vendor, the package having a machine-readable package code affixed thereto but no delivery address;

receiving a shipping identifier and a delivery address associated with the shipping identifier from a bank at which the customer having purchased the goods contained in the package maintains an account, the delivery address being associated with the customer's account at the bank;

picking up the package from the vendor;

reading the package code affixed to the package;

matching the package code with the received shipping identifier, and

delivering the package from the vendor directly to the delivery address associated with the shipping identifier. (Bold added for emphasis)

As the Examiner will note, the package is claimed to be purchased by a customer from a vendor for shipment to an address unknown to the vendor (see preamble). The body of the claim requires that the package bear a machine-readable code but no delivery address. In Stolfo, the package necessarily bears the address of the shipping depot, as it is the retailer that ships the good purchased by the customer to the shipping depot. Therefore, in Stolfo, the delivery address is, in fact, known to the retailer, even though that address may not be the ultimate customer delivery address (Stolfo requires trans-shipment of the goods from the shipping depot to the customer or requires the customer to pick up the goods at the depot). The claim, therefore, distinguishes over the Stolfo reference.

In the claimed embodiment, the shipper is sent a shipping identifier and the delivery address (as defined, any location to which the package is shipped) that is associated with the customer's account at the bank. It is to that address that the shipper directly (as claimed) delivers the goods, and

not to some intermediate location, such as a shipping depot as in Stolfo. Stolfo does not teach or suggest that the shipper is sent the delivery address so as to enable the shipper to deliver the package directly from the vendor to the delivery address associated with the customer's account, as claim in independent claim 7. Kindly note that claim 7 requires that the delivery address be that address that is associated with the customer's account, as claimed. As such, claim 7 and its dependent claims are believed to define inventions that are not taught or suggested in the Stolfo publication. Reconsideration and withdrawal of the 35 USC §102(e) rejection are, therefore, respectfully requested.

Claim 13 and its dependent claims

Independent claim 13, as amended, recites:

13. A method for a vendor to cause a package of goods purchased by a customer to be delivered to a delivery address that is unknown to the vendor, the vendor carrying out the steps of:

sending a request for a package code to a bank at which the customer maintains an account and an electronic draft for payment of the goods on behalf of the customer;

receiving payment on the draft and the package code from the bank only if the customer is authenticated by the bank and bank-imposed constraints are satisfied, the package code being devoid of delivery address information;

preparing the package for shipment by the shipper such that the prepared package bears no delivery address information thereon;

affixing the received package code to the prepared package, and

surrendering the package to a shipper to enable the shipper to match the package code with a shipping identifier and the delivery address that were previously received by the shipper from the bank, to generate a shipping label specifying the delivery address and, to affix the shipping label to the package and to ship the package directly from the vendor to the delivery address without divulging any delivery address to the vendor. (Bold added for emphasis)

At the outset, this claim specifies that the method enables a vendor to cause a package of goods purchased by a customer to be delivered to a delivery address that is unknown to the vendor.

In Stolfo, the vendor knows the delivery address of the goods to be shipped – it is the address of the shipping depot (even though that may not be the ultimate destination of the goods). To emphasize this point, claim 13 has been amended to require that the vendor prepare the package for shipment by the shipper such that the prepared package bears no delivery address information thereon and thereafter affix the received package code (that is recited as being devoid of delivery address information) to the prepared package. It is that prepared package that is then surrendered to the shipper. This recitation, in itself, is believed to overcome the §102(e) rejection of the claims. Thereafter, the claim requires that the vendor enable the shipper to ship the package directly from the vendor to the delivery address, which does not occur in Stolfo, as the goods are first shipped to an intermediate location (the shipping depot), and thereafter trans-shipped to the ultimate destination or picked up by the customer. Moreover, Stolfo necessarily affixes the delivery address (of the shipping depot) on the package, to enable the shipper to deliver the package to that location. In direct contrast, the presently claimed invention requires that the vendor prepares the package for shipment by the shipper such that the prepared package bears no delivery address information thereon. This is in direct contrast with anything taught or suggested in Stolfo, who must necessarily prepare his package such that it bears the delivery information of the shipping depot. It is believed, therefore, that amended claim 13 defines an invention that is not taught or suggested in the applied reference to Stolfo. Reconsideration and withdrawal of the 35 USC §102(e) rejection of claim 13 and of its dependent claims are, therefore, respectfully requested.

Independent claims 18 and 27 and their dependent claims have been canceled, but may form the basis of a divisional application to be filed before issuance of the present application.

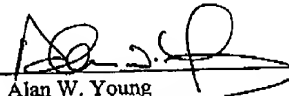
Applicant's attorney, therefore, respectfully submits that all remaining claims are allowable and that the present application in condition for an early allowance and passage to issue. If any unresolved issues remain, please contact the undersigned attorney of record at the telephone number indicated below.

No fee is due with this communication. The Commissioner is authorized to charge any fees which may be required to Deposit Account No. 15-0635, referencing OID-1999-152-01.

Respectfully submitted,

Date: Nov. 24, 2004

By: _____


Alan W. Young
Attorney for Applicant
Registration No. 37,970

YOUNG LAW FIRM, P.C.
4370 Alpine Road, Suite 106
Portola Valley, CA 94028
Tel.: (650) 851-7210
Fax: (650) 851-7232

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